NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

KEITH ROBERT LUGO Petitioner, v. K.W. PRUNTY, WARDEN, Respondent.	) No. 96-56390) D.C. No. CV 97-1328-BTM) ORDER

Before: CANBY and THOMAS, Circuit Judges, and KING[1]*, District Judge.

The panel has voted to deny appellants' petition for rehearing. Judge Thomas has voted to reject the suggestion for rehearing en banc. Judge Canby and Judge King have recommended rejection of the suggestion for rehearing en banc.

The full court has been advised of the suggestion for rehearing en banc and no active judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35(b).

The petition for rehearing is DENIED and the suggestion for

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* Honorable Samuel P. King, Senior United States District Judge for the District of Hawaii, sitting by designation.

rehearing en banc is REJECTED.